

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: ZIMMERMANN=3

In re Application of:)	Conf. No.: 3059
)	
Jan ZIMMERMANN et al)	Art Unit: 1794
)	
Appln. No.: 10/561,943)	Examiner: Ling X Xu
)	
I.A. Filed: 06/23/2004)	Washington, D.C.
371(c): 03/29/2007)	
)	
For: SUPERHYDROPHOBIC COATING)	July 16, 2009

REPLY TO RESTRICTION REQUIREMENT OFFICE ACTION

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

The applicants are in receipt of the Office Action of April 16, 2009, in the nature of a restriction requirement based on purported lack of unity of invention. Applicants reply below, and attach hereto a petition for two (2) months' extension of time.

Applicants have claimed priority from their application filed in the European patent office on June 23, 2003, and a certified copy of the priority application has been received by the PTO. **Accordingly, applicants**

respectfully request the examiner to acknowledge receipt of applicants' papers filed under §119.

Restriction has been required among what the PTO deems as being three (3) separate inventions which, according to the examiner, do not meet the unity of invention requirements of PTC Rules 13.1 and 13.2. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group II, presently claims 3-10 and 13-15, with traverse and without prejudice.

According to the Office Action, unity of invention is destroyed by Stengle USP 3,487,122. Applicants disagree, as the one or more of the same corresponding technical features which define over the prior art is/are not simply a composition comprising at least one compound of Formula I as recited in claim 1 as stated in the Office Action. Other factors include the proviso at the end of claim 1, the presence of the second compound of Formula II for at least some of the claims, and the coating requirement. Moreover, even if broader presently pending claims do not define a contribution over the prior art, there is no evidence that narrower claims which span all three groups and constitute one

Appn. No. 10/561,943
Reply dated July 16, 2009
Reply to Office Action of April 26, 2009

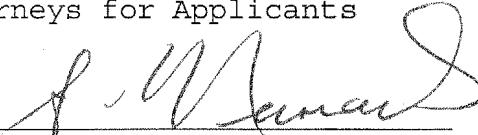
or more of the same corresponding technical features does/do define a contribution over the prior art.

Accordingly, applicants respectfully request withdrawal of the requirement and examination of all the claims on the merits.

Respectfully submitted,

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